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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/058,693	01/28/2002	Darryl Richard Schick	3382-63898-01	4085
26119 7590 11/14/2007 KLARQUIST SPARKMAN LLP 121 S.W. SALMON STREET SUITE 1600 PORTLAND, OR 97204			EXAMINER RAHMJOO, MANUCHER	
			ART UNIT 2624	PAPER NUMBER
			MAIL DATE 11/14/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/058,693

Applicant(s)

SCHICK ET AL.

Examiner

Mike Rahmjoo

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 October 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6, 8-15, 32-36 and 38-44 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6, 8-15, 32-36, 38-44 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 1- 6, 8-15,32-36,38-44 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

As per claim 1 applicant recites "wherein the set top box displays the contact sheet image first to inform the viewer of the album being viewed". Examiner has reviewed the entire specification and fails to find any of the underlined claimed feature as currently amended. Paragraph [0034] of the specification recites "After the automatic completion of steps 40 through 52, the *software informs the user that the stored album has been created and is ready for display on the TV using the set- top viewing device*. Optionally, as illustrated in FIG. 7, the user may print or view a "contact sheet" to allow easy location of any photo in any album". Said underlined portion of the claim is different to any of the teachings of the current application for patent or the paragraph cited from the specification and therefore examiner concludes the claim(s) contains subject matter which was not described in the specification in

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such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1,2,4-5,9-12,14-15,32,42-44 are rejected under 35 U.S.C. 103(a) as being unpatentable over Geigel et al (US PUB 2002/0122067), hereinafter, Geigel in view of Wahino et al (U RE38079), hereinafter, Washino further in view of Kanungo et al (US Patent 6625307), hereinafter, Kanungo.

As per claim 1 and as to the broadest reasonable interpretation by examiner, Geigel teaches Inputting a group of images for which corresponding image files are available see for example page 5 paragraph [0077] for the inputting collection of images (also broadly corresponding to an *album* or a *contact sheet* which includes thumbnails see for example fig. 23- 38) that are placed in an album;

displaying on a first display device, to a user, the group of images for which corresponding images are available see for example the abstract, figure 1 and page 5 paragraph [0077] through the use of album pages;

receiving user input from the user by which the user selects one or more images from the group see for example page 1 paragraph [0010] for assigning image objects to a page based on user preferences and page 3 paragraph [0056] for the user specified preferences;

prompting the user to select a plurality of images from the group see for example page 1 paragraph [0010] for selection based on user preferences;

prompting the user to save the selected images as digital photo album of images see for example the abstract and page 3 paragraph [0056];

receiving an instruction from the user to save the selected images to the storage medium as an album of images see for example page 5 paragraph [0078];

making a copy of each image file that corresponds to one of the selected images to result in image file copies see for example page 4 paragraph [0061];

However, Geigel does not teach compressing the image file copies; the album is for viewing on the television different than the first display device; processing the image file copies to tailor the selected images according to memory size constraints of the removable storage medium and according to one or more display characteristics of the television.

Washino teaches compressing the image file copies see for example column 4 lines 45- 50;

the album is for viewing on the television different than the first display device see for example column 1 lines 15- 20 and column 4 lines 1- 5;

processing the image file copies to tailor the selected images according to memory size constraints of the removable storage medium and according to one or more display characteristics of the television see for example the abstract wherein a program is translated into a variety of graphics or television formats and fig. 4 wherein any of blocks 100, 102 , 134 and 104 (removable HD) are processed through processor 110 to output graphics (eg. RGB) or television formats (eg. Video).

Geigal and Washino do not teach saving to the removable storage medium, the album of images comprising the compressed image file copies that correspond to the selected images, wherein the album of images is transferable via the removable storage medium to a media reader in the set top box to display the selected images on the television, and wherein the set top box displays the contact sheet image first to inform the viewer of the album being viewed..

Kanungo teaches the album of images is transferable via the removable storage medium to a media reader (see fig. 6 block 616) in the set top box (see fig. 6 block box 602) to display the selected images on the television (see fig. 6 block 603 which is for displaying digital images).

It would have been made obvious to one of ordinary skilled in the art at the time the invention was made to incorporate the teachings of Kanungo into the modified device of Geigal to transmit and receive the digitized image data efficiently such as a image decoder which receives the digital image, and based upon the display

characteristics of the display monitor, decodes the digital image and therefore provide an efficient and high tech display system which is user friendly see column 2 lines 25-40.

As per claims 2, and 12 Geigel teaches making a contact sheet image (see for example page creator module 126 of figure 7) including a user-selected album title having a font (see for example figures 19- 22 which have alpha numeric labels) and color (see for example page 6 paragraph [0080]) selected by the user, the contact sheet image further including an album tile (index of fig. 11) representations of the one or more images contained in the album see for example page 3 paragraph [0056] where user preferences are applied.

As per claims 4, 9, and 14 Geigel teaches prompting the user to make one or more modifications to any of the selected images see for example page 1 paragraph [0010] wherein user implements preferences to images;

automatically adjust one or more of the image file copies to include one or more modifications see for example page 3 paragraph [0054] and page 4 paragraphs [0059- 0061] wherein automatic page distribution and duplicate detection is performed;

and in the saving step, ensuring that the adjusted image file copies are saved as compressed adjusted image file copies see for example figure 1 and page 3 paragraphs [0056]- [0057] wherein subsequent use of the system by a particular user is done through implementation of user preferences through album automation system and page 4 paragraph [0059] wherein a page layout algorithm must distribute the images amongst a set of pages and then layout the images on each individual page

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which corresponds to adjusted image file copies as being saved as compressed adjusted image file copies on each individual page.

As per claims 5, and 10 and in light of rejection of claim 1 Geigel teaches saving, to the removable storage medium, a file that contains parameters of the album, wherein the file allows a user to automatically recreate the album for further duplication or modification see for example figure 1 and page 3 paragraphs [0056]- [0057] wherein implementation of user preferences is done through album automation system which can be repeated by subsequent use of the system and the output can be produced on variety of photo delivery media e.g. picture CD media.

As per claim 11 and in light of the rejections made, Kanungo teaches the album of images is for viewing on the television (see fig. 6 block 603) coupled to the set top box (see fig. 6 block box 602).

As per claim 15 and in light of the rejections made above Geigel teaches saving, to the removable storage medium, a link that allows a user to view the image files that are stored on the removable storage medium as the digital photo album of images see for example claim 2 on page 12.

As per claim 32 and in light of the rejection made, Geigel teaches making a contact sheet image (see for example page creator module 126 of figure 7) including a user-selected album title having a font (see for example figures 19- 22 which have alpha numeric labels) and color (see for example page 6 paragraph [0080]) selected by the user, the contact sheet image further including an album tile representations of the one

or more images contained in the album see for example page 3 paragraph [0056] where user preferences are applied.

As per claim 42 Kanungo teaches the set top box is a stand alone set top box requiring no connection to a separate computer see for example fig. 6 box 602.

As per claim 43 Geigel teaches flash memory media see for example paragraph [0056] and CD media see for example paragraph [0057].

As per claim 44 and as to the broadest reasonable interpretation by examiner and in light of the rejections made, Geigel implicitly teaches a click input from the user corresponding to for example user action (e.g., a click) in [0010- 0011] and input from the user (e.g., a click) in [0055] the click input indicating a request to save the album of images to the removable storage medium (e.g, a click) in paragraph [0056].

Claims 3,6,8,13,33-36,38-41 are rejected under 35 U.S.C. 103(a) as being unpatentable over the modified device of Geigel further in view of Schwab et al (US PAP 2004/ 0250083), hereinafter, Schwab.

As per claims 3, 8 and 13 the modified device of Geigel does not teach automatically resizing the image file copies so that the selected images, when displayed, will have a resolution not exceeding a resolution required for optimal viewing on a standard television display.

Schwab teaches automatically resizing the image file copies so that the selected images, when displayed, will have a resolution not exceeding a resolution required for optimal viewing on the a standard television display

(displaying from VGA into NTSC or PAL) see for example paragraph [0077] and [0087].

It would have been made obvious to one of ordinary skilled in the art at the time the invention was made to incorporate the teachings of Schwab into the modified device of Geigel to apply advanced image data compression to provide realistic image rendition and rapid communication response time so that image capture is performed on a non-interactive basis insofar as a central database server, so as to minimize server participation and communication costs and therefore make and use the device according to the latest state of the art technology see for example [0010].

As per claims 6, 34 and 40 and in view of the rejections made, Kanungo teaches the standalone set top box pre- computes video images representing the selected images and stores the pre- computed video images before displaying the selected images on the television so as to reduce flicker corresponding to for example column 4 lines 10- 20 wherein a few simple *filters* are defined for implementing, for example, color channel manipulation wherein the pre- computed color table 310 (broadly corresponding to storage of the pre- computed images) is used to directly decode the image 302 for viewing on the display.

However, Kanungo does not teach receiving second input form the user indicating a preferred order of display for the selected images as a slideshow.

Schwab teaches receiving second input form the user indicating a preferred order of display for the selected images as a slideshow see for example paragraph [0077] and [0087] for the sequential and predetermined displaying of text and image

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information corresponding to preferred order of display for the selected images as a slideshow and VGA to NTSC or PAL conversion corresponding to different display types.

It would have been made obvious to one of ordinary skilled in the art at the time the invention was made to incorporate the teachings of Schwab into the modified device of Geigel to provide converting different display formats and compression of images using advanced image data compression to provided realistic image rendition and rapid communication response time and therefore make and use the device according to the latest state of the art technology see for example paragraph [0010].

As per claims 33, 36 and 39 Schwab teaches the fist display device is a computer monitor see for example fig. 4, display 100 and paragraph [0077].

As per claims 35, 38 and 41 Schwab teaches the television has an aspect ratio (inherent to NTSC or PAL), and wherein the processing of the image file copies comprises, for each of one or more of the selected images, adding fill space up to the aspect ratio of the television see for example paragraph [0077] the space unused at the sides and the bottom of the screen.

Response to Arguments

Applicant's arguments with respect to claim 07/07/2007 have been considered but are moot in view of the new ground(s) of rejection.

In response to applicant's remarks on page 13 wherein applicant recites "prompting the user to select a plurality of images from the group" which applicant argues against the language as not being suggestive of said portion.

Examiner respectfully disagrees and points out to [0010] which recites "the method involves the use of a set of inputs (corresponding to prompts) including digital images, graphics, and other 2-dimensional objects. The inventive method comprises the steps of evaluating a grouping of the image objects for distribution into a number of album pages (corresponding to selection of images) according to a fitness function's parameters of a genetic engine and, assigning each image object to a page based on user preferences".

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Inquiry

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mike Rahmjoo whose telephone number is 571-272-7789. The examiner can normally be reached on 8 AM- 5 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matt Bella can be reached on 571-272-7778. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Mike Rahmjoo



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November 6, 2007